

LABOR CLARION

Official Journal of the San Francisco Labor Council

Vol. XLI

San Francisco, April 10, 1942

No. 10

Labor Board's Order Reinstates Striking Hotel Workers

The San Francisco hotel strike case was heard by the War Labor Board in Washington on Thursday of last week. Although word had been received here the hearing would be postponed for one day, and that a preliminary meeting to arrange procedure would be held Thursday, it was later learned the presentation was made by both sides on Thursday. The case was then taken under advisement by the board. On Tuesday of this week news dispatches from Washington announced the board had issued an interim order providing that members of the striking culinary and bartenders' unions be returned to work, the conditions of the order as reported in the dispatches being as follows:

Interim Order

1. Each member of the union not now working in any hotel of a member of the Hotel Employers' Association and who became unemployed because of the strike, shall be afforded, without discrimination, the right to a job comparable to the one held on the date picketing began at the hotel where he was working.

2. All such employees may apply for their former position within thirty days.

3. Such employees are to be hired in accordance with terms of the agreements existing prior to the strike.

4. The employment status of those who return to work under this order will be decided in the final decision of the board.

Eliel Appointed as Referee

Prof. Paul Eliel of Stanford University was appointed by the War Labor Board to act as referee in any disputes arising on the interpretation or enforcement of the board's interim order. There was no immediate report from Washington as to further hearings on the case or when its final decision might be rendered with respect to wages, conditions, retroactive pay in event of an increased pay award, and the union shop.

The strike, which began August 31 of last year, resulted in the picketing of 18 of the 27 hotels connected with the Hotel Employers' Association. The striking unions removed all pickets when announcement was made that the War Labor Board had taken jurisdiction of the controversy.

The unions immediately involved, however, did not authorize their members to return to work pending the hearing before the W.L.B., but gave their approval for organizations which had contracts with the hotels previous to the strike, to return to their employment under terms of their own contracts. The striking culinary and bartenders' unions requested of the W.L.B. a temporary order which would set forth the basis for return of their members to work, and this request was granted as above mentioned.

Ten Board Members Hear Case

Members of the War Labor Board who heard the case, with Vice-Chairman George W. Taylor presiding, were: George Meany, Martin P. Durkin, Thomas Kennedy and R. J. Thomas (labor members), Roger L. Lapham, E. J. McMillan and George H. Mead (representing employers), and Chairman Taylor, Wayne L. Morris, and Frank P. Graham (representing the public).

Representatives of both the unions and the hotel managements announced their intention to inaugurate compliance with terms of the interim order as soon as the official copy is received.

President: "Every Day Must Be a Work Day"

The United Auto Workers (C.I.O.) have been holding a special war conference in Detroit, at which the executive board recommended the waiving of double time pay, asked reaffirmation of the pledge against strikes during the war and increase in production of war materials to the utmost, and proposed establishment of 24-hour shifts and 7-day operation of plants. On Tuesday the organization received a letter from President Roosevelt, reviewing the situation with which the nation is confronted, and stating that in order to outstrip the Axis powers in production it is necessary that plants producing war materials operate upon a 7-day basis. The complete text of the President's letter follows:

The President's Letter

"My dear Mr. Thomas:

"To preserve the rights of free men and women in the modern world, we must win this war which the Fascist powers plotted and planned for many years.

"While we worked for peace, the Fascist powers drove their people overtime, Sundays and holidays, to prepare for war. They got a jump on us, and before we could catch up with them they deliberately launched their treacherous attack against us at Pearl Harbor.

Spirit of Workers Recognized

"I am sure that no group of our people is more determined than our workers to match and master the totalitarian tyrants, whose aim is to destroy the dignity of men and the rights of free labor.

"To overtake and outstrip Axis production, our munition factories and our shipyards must operate on a seven-day week. Every day must be a work day. That does not mean that every man must work seven days a week. That would slow up, rather than quicken, production. But it does mean that every factory and every shipyard should be working seven days a week, night and day. The war does not stop for Sundays and holidays.

"The provision in some union contracts requiring

double time or other premium pay for week-end and holiday work is quite understandable in peacetime. But in wartime it puts a brake on production. It causes factories to close on Sundays and holidays. It helps our enemies.

"The Congress of Industrial Organizations, acting concurrently with the American Federation of Labor, has wisely and patriotically recommended that double and premium time for work on Saturdays, Sundays and holidays, where such days fall within the normal work week, be given up for the duration of the war and that these days be treated like any other day of the week. I am sure that with the knowledge that this policy will help expedite war production, it will have your wholehearted support. I am likewise sure that this policy, so understood, will commend itself to the rank and file of the American workers everywhere.

No Windfall for Employers

"Of course the relinquishment of double time should not operate as a windfall to any employer or group of employers. We are asking sacrifices from no group for the selfish benefit of any other group. Total war demands total sacrifice for the common good. It is the intention of the Government to renegotiate contracts with the employers wherever necessary to insure that the savings from the relinquishment of double, or premium, time go not to the employer, but to the nation.

"Very sincerely yours,

"FRANKLIN D. ROOSEVELT."

**Register Your Protest
Against Anti-Labor Legislation
Now Pending in Congress**

Write or Telegraph

Your Senators and Congressman

Review of Supreme Court Decision in Texas Case

Despite all allegations, intimations and plain mis-statements of fact to the contrary, labor's rights to picket and to boycott have not been infringed upon in any way by the recent United States Supreme Court decision in the Texas picketing case, *Carpenter v. Ritter's Cafe*. On the contrary, these rights were reaffirmed by the same court in a decision handed down in another case on the same day.

The way in which this decision was publicized by a considerable portion of the daily press fully reveals the extent to which the enemies of labor are attempting to force the nation to share its prejudices. Not only did they withhold a considerable portion of facts in this case, not only did they go as far as they dared to intimate that this decision supported California's Slave Bill 877, but they partially if not wholly suppressed a companion Supreme Court decision, delivered the same day, which unequivocally upheld the right to picket and the secondary boycott.

The New York Case

This latter decision concurred in by the entire court, except for Justice Roberts, who took no part in the decision, was in a New York case. Briefly, a good many bakers in New York stopped using union drivers to distribute their products and instead had adopted the practice of selling the bread to peddlers, who resold it to the retail stores. This system naturally threatened to break down the union conditions which had been built up after many years of struggle.

Since the peddlers worked seven days a week, and the union drivers only six, the union proposed to the peddlers that they should take one day off in the seven and employ a union teamster for that day, paying him a union wage. Certain peddlers refused to accept this proposal; the bakers who sold to them were then picketed; and an injunction was granted by the New York court against this picketing as being a secondary boycott.

The United States Supreme Court's decision, denying
(Continued on Page Two)

Local Butchers Negotiate 15 Per Cent Pay Increase

Milton S. Maxwell, business agent of Butchers' Union No. 115, reports the completion of new agreements with the Butchers' Board of Trade and the chain markets which will become effective next Monday.

Retail meat cutters will receive a 15 per cent increase in wages, and over 1200 workers in the industry will be affected. The regular standard wage is increased, from \$44 to \$52 per week, and journeymen employees receiving more than the minimum wage will benefit by the 15 per cent increase, the latter being a new provision of the contract. The wage boost will also apply in those classifications where the wage is less than \$40 weekly, and with \$1 extra for Saturday work.

Working hours are increased from 48 to 49 hours for the week, but with time and a half for the extra hour on Saturday, when the hours are from 8 a. m. to 6 p. m. Other week day hours are from 9 a. m. to 6 p. m. Eight holidays with pay are recognized, and vacations with pay are provided for all the recognized classifications after a year or more of service. The employer will provide all linens and tool maintenance.

It is provided the agreement shall remain in effect from year to year, except that either party to the agreement may reopen the hours and wage clauses on 30 days' notice at the end of each year.

Maxwell, who is also president of the Western Federation of Butchers, states that the new agreement will be used as a basis in negotiations for all retail division locals in the State.

"MUNY" RAILWAY RECORD

Receipts of the municipally owned street railway lines in San Francisco during March totaled more than in any other month since the system was established, 29 years ago, Manager William Scott reported last week. Gross receipts amounted to \$386,118, whereas the previous record month, August, 1939, showed \$383,011. Sunday receipts were up 25 per cent, indicating that more people are leaving their automobiles at home on that day.

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FARM PAY SEEN IN SHARP RISE

Farm wage rates may average 20 per cent higher than in 1941, as the demands for manpower in war industries and the armed forces in the last 18 months have sharply reduced the supply of labor for farm work, the U. S. Department of Agriculture says.

FAIR RENT COMPLAINTS HEARD

Sixteen complaints alleging excessive raises in rents were investigated by the executive committee of the San Francisco Fair Rent Committee at its meeting last week. Rent raises in five instances were disallowed. In two cases the property owner was requested to supply additional information to justify his raise. Property owners' contention that improvements, renovations and added costs were the considerations for raising rents in six cases was sustained. Two complaints were held over for further investigation by the committee. The property owner and tenant reached an agreement between themselves in the sixteenth case.

7-Day Plan for Seattle Machinists

A seven-day work-week for A.F.L. Machinists employed in Seattle defense industries became effective April 5. The rotating shift plan was overwhelmingly voted by local No. 79, and involves 3000 workers.

Under a new contract the men will be paid straight time for the first five days, time and one-half for the sixth day, and if they work seven days in succession will get double time irrespective of whether the seventh day is Sunday. Double time was mandatory for Sunday work under the old contract. The new agreement provides a wage increase of approximately 12 per cent, with bonuses of 10 per cent for the second shift and 15 per cent for the "graveyard" shift, and is for the duration of the war.

Roosevelt Is Opposed to Piece-Work and Sales Tax

President Roosevelt opposes payment of "bonuses" or "incentive" wages in lieu of overtime compensation to war workers toiling in excess of 40 hours a week.

He told his press conference last Wednesday that "incentive" pay would constitute a return to the piece-work system. He explained that he opposed this system in peacetime and was more opposed to it now because he feels that war workers now are turning out capacity production.

The President also told his press conference he was still not inclined toward a sales tax to help finance the war. He was asked whether he had figured what his new taxes would be under the Treasury recommendations for raising new revenue. He replied that he had not figured them for next year, that they were bad enough now. "Do they incline you toward a sales tax?" he was asked. No, he responded, in spite of personal hardships.

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Supreme Court Ruling in New York and Texas Cases

(Continued from Page One)

ing this injunction, is in entire accord with the long line of pronouncements by the Supreme Court of California in favor of the secondary as well as the primary boycott. And it was this decision which was not "played up" by the daily press, obviously because of its great significance in supporting labor's stand against Slave Bill 877.

Because all reports on the Texas case have been intentionally misleading and garbled, the following summary of the facts will be informative:

A man named Ritter, who ran a cafe in Houston which was completely unionized, began the construction of a building a mile and a half away from the cafe, apparently not to be used for another restaurant, and apparently being built by non-union labor. The union carpenters proceeded to picket, not the building under construction, but the cafe a mile and a half away. An injunction was granted by the Texas court to Ritter, prohibiting the picketing of the cafe, but not forbidding the union to picket elsewhere or to disseminate information about the dispute in any other manner, except by picketing in the immediate vicinity of the cafe.

Particular Circumstances

In a 5 to 4 decision, the United States Supreme Court held that under the particular circumstances the Texas court might uphold the Texas law prohibiting picketing except in the vicinity of the place of the actual dispute. This case is an excellent illustration of the fact that the law in regard to peaceful picketing is still unsettled, not as to the general constitutional right but as to the manner in which particular regulations of the right may be enforced by the courts of the separate states.

While this decision by five justices of the Supreme Court against four is a pronouncement by the court itself and therefore lays down the law which all must obey, still the rule laid down in any decision by so close a margin may very probably be modified in a subsequent case, or varied to some extent, if not actually reversed.

It must not be forgotten, however, that by no stretch of the imagination can this decision be considered to have any effect whatsoever on the right to picket or the secondary boycott. Its sole concern is the manner in which the exercise of these rights may be regulated by the individual states.

CLAMP DOWN ON DRAFT EVADERS

Attorney General Francis Biddle this week directed U. S. attorneys to make every effort to apprehend and prosecute persons who wilfully violate the Selective Service Act. Twenty-one San Francisco draft evaders were named in complaints brought by the F.B.I. this week, which number swelled the total complaints issued in northern California to 596. It was said that an estimated total of 1000 are marked for arrest.

One thousand Kansas City garment workers have been granted pay increases ranging from 7½ to 10 per cent by a three-member board of arbitration.

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Tribute to Union Veteran By Metal Trades Council

"Presented to Timothy A. Reardon by Bay Cities Metal Trades Council for Honorary Service to His Fellow Men. April 6, 1942."

This was the brief but eloquent wording upon a handsomely engraved plaque in a plush case presented to the well known veteran member of the union labor movement in San Francisco, at the session of the Metal Trades Council held last Monday night.

A large attendance at the meeting further added to the significance of the occasion. Delegates to the body, who represent some 50,000 or more members in the various affiliated organizations located in the Bay area, seemed to have made special efforts to be present, but "Tim," whose acumen in other fields is proverbial, was said to have been caught napping as regards to prior information on what was to occur.

Official Presentation

It was President Ed Rainbow who revealed to him the purpose of the Council to bestow the honor, and made the presentations evidencing the esteem and appreciation of fellow members in the ranks of the organized workers.

Reardon has had a continuous membership in his own organization, the Plumbers and Steamfitters, of forty-seven years. He is one of three surviving members who in 1901 organized the Iron Trades Council, now the Bay Cities Metal Trades Council, the other two being William McCabe, superintendent of the Labor Temple, and Russell I. Wisler of the printing firm of that name. Reardon has represented his local at some twenty or more conventions of its international body, and on five occasions was the delegate of the San Francisco Labor Council to conventions of the American Federation of Labor. He is equally well known in the political life of the city and state and has held various civil positions, wherein he was ever alert to protection of the interests of the workers. The action of the Metal Trades Council in honoring his past service, and the thoughtfulness shown, will bring general approval from his friends and acquaintances in other units of labor.

"Proven a True Friend"

An engrossed resolution, signed by President Rainbow and Secretary Wynn of the Metal Trades Council and also presented to Reardon at Monday night's meeting reads:

"Whereas, Timothy A. Reardon in his nine years of office as Commissioner of the California State Accident Commission has proven himself a true friend to the wage earner;

"Whereas, Many of the provisions for the protection of workers in plants, mines, shops and multiple industries now in the Codes were supported and recommended by our staunch friend, Timothy A. Reardon;

"Whereas, Labor—both organized and unorganized—owes a debt of gratitude to this true friend of Labor; be it therefore

"RESOLVED, That the Bay Cities Metal Trades Council in recognition and gratitude for the noble and unstinted services rendered by labor's true friend, Timothy A. Reardon, presents this token of esteem in continuous memory of services unselfishly rendered for the betterment and protection of those who must labor."



**SAN FRANCISCO
JOINT COUNCIL
OF
TEAMSTERS**

President - John P. McLaughlin
Secretary - Stephen F. Gilligan

Office:
Room 303, Labor Temple
2940 Sixteenth Street
Tel. UNDERhill 1127

SUGAR REGISTRATION DATES

Plans for the sugar rationing registration in California and four other western states were reported complete this week. The registration, set for May 4, 5, 6 and 7, will be handled by teachers in the grade schools.

UNION WINS IN LONGEST STRIKE

The longest strike in the history of the nation's metropolis was ended Tuesday, after four years, eight months and four days. It was at Joe's Restaurant in Brooklyn. Pickets were on duty continuously during the strike, which ended in recognition of the union.

Congressman Welch Arrives

Congressman Richard J. Welch of San Francisco, accompanied by Mrs. Welch, arrived home on Tuesday of this week and is being warmly greeted in his wide circle of friends and acquaintances throughout the city.

Congressman Welch is the ranking minority member of the House committee on labor, and throughout his years of service as representative of the Fifth district has maintained an outstanding record in support of measures for protecting the welfare of the workers, and in the drive of the reactionary forces in Congress during recent weeks his voice and votes have been on the side of labor.

He announced upon his arrival here that when Congress resumes its sessions next week he intends to seek some form of assistance for the State Guard, declaring that the financial burden of guarding the three Pacific Coast states should be shared by the whole nation, which has as much at stake as has this coast in such protection. A bill which he has introduced on the subject has been opposed by the War Department and he now plans to have the congressional delegations from the Coast unite for the purpose of gaining an appropriation to ease the financial burden on their respective states. Welch pointed out the Army has 23,000 men performing duties which could be handled by State Guards if proper financial support were provided by the federal government.

A.F.L. and C.I.O. Working Together in Win-the-War

The American Federation of Labor and the C.I.O. are now working together in an effort to stimulate industrial production and to co-operate wholeheartedly with the President and the Government in carrying the war to a successful conclusion. A.F.L. President William Green told the House naval affairs committee.

"Our experience thus far has been splendid," Mr. Green said. "We have done many things already and the outlook is very, very good. I am sure we will be able to work together during the duration of the war in the interest of the common welfare."

Green revealed the leaders of both organizations are working on plans to prevent "raiding" by either side. He also said a plan is being worked out so that if one organization is compelled to suspend a local union for an unauthorized strike, the other will not pick it up and give it a charter.

Members of the committee and the press joyfully welcomed President Green's statement as "good news for America."

Protest on MacArthur's Picture in Anti-Labor Ad

In a letter to Secretary of War Stimson, President William Green of the American Federation of Labor has vigorously protested against use of Gen. Douglas MacArthur's picture in advertisements supporting anti-labor legislation. He asked Secretary Stimson to take official action "to prevent further abuses of the same nature."

Green told Stimson that full-page advertisements signed anonymously as "patriotic individuals and firms" had appeared in two Wichita (Kan.) papers, prominently displaying General MacArthur's picture and urging abolition of the right to strike, abolition of the 40-hour week and abolition of overtime.

The A.F.L. president said that he believed the firms sponsoring the advertisements were selfish rather than patriotic, and declared that the "nefarious and unauthorized use" of the picture of the hero of Bataan put him in the position of advocating policies rejected by his Commander-in-Chief, President Roosevelt.

NEW LABOR TEMPLE FOR SEATTLE

Construction has begun on Seattle's new Labor Temple. Plans have been prepared for a large structure, to be erected in units on account of war conditions. The first unit is to be ready for dedication on Labor Day and for occupancy by October 1, and will cost approximately \$150,000. The location is on First avenue between Clay and Broad streets.



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LABOR CLARION

Published Weekly by the
SAN FRANCISCO LABOR COUNCIL

Office, 101 Labor Temple, 2940 Sixteenth St.
San Francisco, California
Telephone - HEmlock 3924

W. N. MAPPIN, Editor and Manager



SUBSCRIPTION RATES

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Entered as second-class matter August 10, 1918, at the postoffice at San Francisco, California, under the Act of March 3, 1879.	

FRIDAY, APRIL 10, 1942

Vigilance in Order

Latest defeat for the foes of labor standards—the Senate's almost unanimous rejection of anti-labor law proposals attached as riders to another bill—does not end the danger to existing labor legislation.

Enemies of labor laws are determined and resourceful, though their recent setbacks decrease their chances of success. But they will continue the fight and labor must be alert and watchful, ready to balk every attempt to destroy standards won by years of struggle. Vigilance is very much in order. Labor action will be needed the latter part of April, when another attempt is scheduled in the Senate to pass bills breaking down the 40-hour week and other standards.

Trade union members and their friends and supporters have made known their opposition to anti-labor legislation in a flood of letters and telegrams to Congress. The work of informing Congress as to labor's stand must go on. This can be done by mail, telegrams and telephone and also by interviews when senators and representatives are in their home districts for the Easter vacation.

An Immediate Duty

In an article appearing on another page of this issue the office of the California State Federation of Labor directs attention to the voting rights of those who are called to the colors, and to the procedure required pertaining to both registered and non-registered citizens who desire to cast a ballot in the coming state elections. The subject should be brought to the attention of all their members by union officials.

Of equal importance, however, is the necessity of impressing upon the mind of all members of unions the duty which they owe not only to themselves as citizens but to their organizations to make sure they are registered voters.

Lack of attention to this necessary detail that qualifies one to exercise the franchise has been woefully apparent in the past. It was brought to the fore recently when the initiative petitions to place Slave Bill 877 on the ballot were being circulated. In that circumstance it is imperative that one be registered before being eligible to sign the petition. Large numbers of union members, and of the public in general, who were eager to lend aid in placing the measure on the ballot suddenly realized that they were ineligible because of having moved from a previous place of residence and neglected to change their registration, or from other circumstances. It was also found that members of the immediate household of union members were not registered voters for one reason or another. This latter, particularly, seems inexcusable neglect on the part of "the head of the house."

Labor in California is this year facing a vital test of its strength against avowed enemies who are seeking by every means to bring about final enact-

ment of the Slave Bill. These enemies, also, will attempt to place in office those who will do their bidding. Every member of union labor must be in the front line trenches fighting the Slave Bill forces. At the same time these union members must be mindful and alert to protect their proven friends now in office and rout those candidates who have proven unfaithful to the cause of the workers. The three tasks can be accomplished through the ballot.

However, being a registered voter is the qualification for being on the firing line. And now is the time to attend to the duty of making sure that one's name appears on the voting roster. It should be the first order of business now, for the reason that as the campaign progresses into the field of placing labor's cause before the voters such matters as having to use valuable time and effort in ascertaining whether labor's strength is registered will be a total loss of energy that could be more profitably expended in fighting the Slave Bill and in "supporting our friends—defeating our enemies."

Are you and the members of your family eligible voters? Did you vote in the primary or the general election of 1940? Have you changed your place of residence and failed to have your new residence noted on the voting roster? Find out now, and see that members of your family and your friends do likewise. Let there be no wasted energy later in the campaign on matters that can be attended to at this time.

\$50,000 Outlay — \$2,140,000 Return

Senator Bunker of Nevada charged last Friday on the Senate floor that Basic Magnesium, Inc., of Cleveland, for which the Defense Plant Corporation is financing a \$63,000,000 magnesite refining plant at Las Vegas, Nev., "stands to make a profit of 4280 per cent, or \$2,140,000, in one year on an admitted investment of not more than \$50,000."

At Bunker's request a subcommittee of the special Senate committee which is investigating the national defense program conducted hearings at Las Vegas in March, and has filed a report which termed a lease agreement between the Defense Plant Corporation and Basic Magnesium, Inc., involving magnesite deposits, "one of the most flagrant attempts at war profiteering."

A list of salaries which Senator Bunker read included the names and positions of more than forty officials of the company whose salaries ranged from \$36,000 a year to \$3900. He pointed out that salaries of these officials are being paid from taxpayers' money advanced to the company.

"TB" in Industry

The United States is facing a flare-up in tuberculosis. Even before we entered the war, in nineteen industrial cities in this country the disease was on the increase. Long working hours, rising cost of food and clothing, overcrowded living conditions, physical, mental and emotional strain, all build an efficient "assembly line" for the deadly work of tuberculosis.

With tuberculosis a greater menace this April than it was a year ago, the "early diagnosis" campaign of the San Francisco Tuberculosis Association, being held throughout this month in conjunction with the fifteenth annual nationwide campaign, is clearly a war measure.

The tuberculin test, a harmless skin test, will show whether or not tuberculosis germs are in the body. The Association is attempting to bring this and other known facts concerning the disease to the attention of industrial workers in particular during its present campaign.

"And he gave it for his opinion that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind, and do more essential service to his country, than the whole race of politicians put together."—Jonathan Swift.

Give a Helping Hand

(From U. S. Department of Labor)

Mary Andrews, 22 years old, was one of the millions going to work in a war industry for the first time. She was told that the work was hazardous, since the caps were loaded with powder, but she was willing to take a chance. After all, if she were a boy, she'd probably be in the Army.

She reported to the foreman, who measured her for powder shoes and gave her safety goggles. Although she was going to be working with powder, nobody warned her that a flame or even a spark from metal, or any friction or jarring in handling the caps would cause an explosion. Nobody even asked her whether she carried matches or noticed whether she wore any metal that might cause sparks.

At first she was assigned to watching another woman inspecting primers, to learn how the job was done. After four hours, she went to work herself, without supervision. She had to take each glass tray, containing 1003 primers, place a glass cover over it, turn it upside down, and inspect the bottom with a magnifying glass. All went well until the accident occurred.

No one knew just what happened. Suddenly they heard an explosion and saw her lying on the floor, some feet from her chair, her clothes and face covered with blood. Someone rushed her to the hospital. She had a badly burned left hand and arm, smaller burns scattered over her face and body; also numerous cuts, some quite deep, caused by the particles from the magnifying glass.

This accident could have been prevented if the company had had a training program for new employees, including definite steps for introducing them to safety on the job. Field men for the Federal Committee on Apprenticeship and the National Committee for the Conservation of Manpower in War Industries, U. S. Department of Labor, are promoting apprenticeships, short-term training and safety programs for the thousands of new workers in war industries, and making every effort to see that safety instruction is made a part of all training programs.

Workers, too, can do their part in seeing that new employees are introduced to safety when for the first time they enter the gates of the factory. When new workers come into your plant—

1. Watch out for their safety; see that they use all machinery guards and protective equipment provided. Make sure that they know the safety rules and instructions.

2. Tell them about the work of your shop safety committee.

3. Tell them about the work of your union for safety. Can it furnish its members with information as to work practice or conditions that may cause injury or health impairment and on methods of preventing such injury? Does it co-operate with state labor and inspection departments to bring about safe working conditions? Does it have a collective bargaining agreement with the company including definite provisions as to safe and healthful working conditions to be provided by the company?

4. Set a good example by following the best safety practice. Remember, the new employee may look to you as his model.

RED CROSS AID TO SERVICE MEN

More than 318,000 members of America's armed forces came to the American Red Cross for assistance in personal and family problems during the seven months ending January 31, 1942, Chairman Norman H. Davis reports in a survey of Red Cross services to the armed services. Money loaned to service men, mostly in small amounts, without interest, for emergency purposes totaled more than \$600,000 during the period, he added.

"Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."—William Pitt.

Beware the Sixth* Column

* President Roosevelt defined Sixth Columnists at his March 24 press conference as Americans who wittingly or unwittingly spread rumors and doubts devised by enemy Fifth Columnists about America's war effort. These Sixth Column rumors have now been concentrated into a vast smear campaign against American workers and their unions.

Words won't win this war — hard fighting will. Sniping at each other won't win this war — national unity will. New laws won't win this war — hard work will.

We are the workers of America, its production soldiers. We are on the job. We have only one aim right now, and that is to help America win. We are working night and day to produce the ships, planes, tanks and guns our armed forces need for victory.

WE ARE GIVING THIS JOB EVERYTHING WE'VE GOT! WE WILL STICK TO THIS JOB, COME HELL OR HIGH WATER, UNTIL THIS WAR IS WON! THAT IS OUR PLEDGE TO AMERICA!

An Undeclared War

The Sixth Columnists are waging an undeclared war against President Roosevelt and against us.

They are doing this by putting the heat on Congress to pass the Smith-Vinson Bill and other dangerous legislation aimed at the President's war labor policies.

The Sixth Columnists are trying to fool the American people into believing such legislation is needed to speed up production and win the war.

Don't let the Sixth Column fool you!

What are the facts? President Roosevelt and the heads of our war agencies are in the best position to know the facts. What do they say?

They agree *unanimously* that the Smith-Vinson Bill and other proposals of the same kind can do no good.

They agree *unanimously* that such measures will hurt morale, retard war production and throw our victory drive into chaos.

Whom do you believe — President Roosevelt or the Sixth Columnists?

The sponsors of this legislation say they are honest and sincere. If so, why do they persist with it when our Commander-in-Chief urges them to stop?

It's high time to cut out such sniping against our President and his policies. Let's get together on the one important job before us — to win the war. Let's have real national unity in America.

Labor's War Record

Who is fighting America's war on the front line? The sons and brothers and loved ones of American workers right alongside American citizens from all other walks of life.

Who is carrying on America's victory production program on the home front? The loyal, hard-working men and women of labor who are breaking production records and beating schedules every day.

Who fought beside our Marines at Guam and Wake? More than 1,100 union mechanics who are now prisoners of Japan.

Who is sailing America's merchant ships and tankers on the high seas, braving daily submarine attacks? Union seamen who are carrying on although hundreds of their fellows have lost their lives.

Who rode the Burma Road? Union teamsters who are now transporting supplies by other routes to China despite enemy bombers.

Who is building America's defense outposts in Hawaii, Alaska, the Canal Zone and other bases? More than 100,000 American workers who gave up safe jobs at home to do their bit.

Who built all the Army camps and Naval stations in record time? A civilian army of union workers who in six months constructed forty-six new "soldier cities" from scratch.

American workers are paying their full share of the cost of this war — in blood, in sweat, in sacrifice, in taxes. They are not squawking. They entered this war with their eyes open as free men and women and they are determined to come out of this war free men and women.

THE TRUTH . . . about the 40-hour week

There is no longer a 40-hour week in American war industries. Working men and women are putting in from 48 to 60 hours a week in every war factory that has the materials and orders.

Many of the factories are operating 100 to 168 hours a week by using multiple shifts.

Labor is all for that! We will not be satisfied until every war factory in America is producing the full limit, 24 hours a day, 7 days a week.

How can that be done? Labor showed the Government and industry the way in the West Coast shipyards. The plan was worked out by the metal trades unions last January. It is now in operation. There are three shifts a day. The men work eight hours a day each for six days—that's 48 hours a week. They stagger their days off. Production in the shipyards is thereby kept going continuously.

We want to do that everywhere because maximum production means we can crush the enemy sooner. That's what labor is for!

Then why are the Sixth Columnists pressing for abolition of the 40-hour week? Because such action would throw our production machinery out of gear. Because it would wipe out overtime pay which workers must depend on now to meet higher living costs. Because it would eliminate the incentive to greater production that overtime pay affords. Read the truth about overtime in the next column.

THE TRUTH . . . about overtime

Overtime pay is no longer a penalty. It should not cost employers or the Government a cent. In fact, they can save money by paying overtime.

Now that sounds exaggerated. But the facts prove it.

The longer a factory operates, the cheaper it is to run it. Overhead remains the same. Other fixed charges remain the same. But production goes away up. When a man works 40 hours a week at straight time and 10 extra hours at time-and-a-half, the cost of his labor increases 10 per cent. But the savings from increased production more than offset the expense of overtime. The unit cost of the product is lowered. The employer is better off and the Government can get a break.

There are other and even more important reasons why overtime should be retained. When a worker puts in five days at straight time and is offered time-and-a-half for the sixth consecutive day, he's anxious to get those extra dollars and he wants to work longer. If we destroy that incentive, production will drop. Even Hitler is paying overtime to his slave labor!

America's workers need this overtime. The cost of living is away up. Many families have sent their boys to the front. These boys can't contribute to the family purse as they did before. Those left at home must earn more to meet greater responsibilities.

The workers of America have agreed to waive double-time where it still exists, except where they are required to work a seventh consecutive day without rest.

THE TRUTH . . . about strikes

There are no strikes worth worrying about in American war industries today.

That is because the workers of America, through their trade unions, gave President Roosevelt their solemn pledge right after Pearl Harbor that they would not quit work for any reason as long as the war lasts.

Labor has lived up to this pledge almost 100 per cent.

What is the official record? Time lost by strikes last January was 4/1000 of one per cent of time worked.

The British strike record—and we share their pride in it—shows that time lost by strikes since Dunkirk amounts to one day per man in 15 years of work.

But we've got something here in America that's really worth cheering about! Our record in America since Pearl Harbor has been only one day lost per man in thirty years of work. That's twice as good as the British record.

Of course, we wish our record could be 100 per cent perfect. But human beings are not made that way. And no law can make them perfect. Remember, we have laws against murder and we once had Prohibition in America.

But don't get the idea that American labor wants to condone or excuse the few, scattered, local, wildcat strikes that have occurred. We disavow them, we disown them, we condemn them. The great majority of American workers are keeping the faith and they have no use for anyone who breaks it.

The workers of America are standing with President Roosevelt. We will not listen to Sixth Columnists. We warn them to beware.

"Fer" and "Ferninst" on Support of John L. Lewis

Six officials of the United Mine Workers' Union resigned last Monday as regional directors of the C.I.O. because of attacks they said national C.I.O. executive board members and other C.I.O. officials had made on John L. Lewis, president of the United Mine Workers and on the U.M.W. itself.

The regional directors who submitted their resignations to Phillip Murray, president of the C.I.O., were: Richard Francis of Seattle, regional director for Washington, who also resigned as sub-regional Steel Workers' Organizing Committee director; William Dalrymple of Portland, regional director for Oregon; W. A. Boyle of Billings, regional director for Montana; Frank Hefferly of Denver, regional director for Colorado and New Mexico, who also resigned as Colorado S.W.O.C. director; Henry Allai of Pittsburgh, Kas., regional director for Kansas, and David Fowler of Muskogee, Okla., regional director for Arkansas and Oklahoma. Three U.M.W. officials in Illinois had previously submitted their resignations as C.I.O. officials.

But on the other hand, and from a different "front," came the press report that a New York local of the United Mine Workers had filed an action in court to have reinstated its charter which had been revoked March 12 by Lewis, and that it had denounced him as a "labor fuehrer" who had opposed "all out" war efforts. The court signed an order requiring Lewis and other defendants named in the proceeding to show cause yesterday (Thursday) why the charter should not be reinstated.

At the time of the revocation, Lewis said he acted because the New York local—No. 12,165 of the Chemical, Drug and Cosmetic Workers—disobeyed orders to divide its membership into smaller, more efficient, units.

In a brief filed by the local in the court action it was charged that the charter revocation was "the culmination of a long standing controversy between John L. Lewis and many of the local units, which refused to serve Lewis' political feud with the President of the United States and with Phillip Murray, president of the C.I.O."

Demand the union label, card and button.

LUXOR CABS
THE OFFICIAL UNION
LABEL EXHIBITION CABS
ORDWAY 4040
Strictly Independent

HELMETS FOR LOCAL "C.D." CREWS

The first shipment of 1490 steel helmets for San Francisco's civilian defenders has arrived and is scheduled for distribution as follows: The air raid wardens will get 1120 helmets, 210 will be distributed to auxiliary firemen, 21 to demolition squads, 112 to auxiliary police and 27 to Red Cross rescue squads.

State Income Tax Deductions

State income tax returns are due on or before April 15 (next Wednesday). Californians pay an income tax based upon "net income." The net income is found by making allowable deductions from the "gross income." Here are deductions allowed from salary incomes:

Union dues and assessments, fees paid to get a job, premiums paid on bonds to secure your job, amounts paid to the California State Unemployment Insurance Fund, known as "unemployment insurance." You can not deduct Social Security payments to the federal government.

If your job involves travel, you may deduct expenses, including board and lodging, providing your employer does not reimburse you for this expense. If he does pay you back, report the sum paid and claim your actual expenses as a deduction.

You can't deduct cost of education or training to fulfill a job. You can't deduct travel expenses to fill a job, carfare to and from work, or moving expenses when you go to a new job and have to move near it.

Labor Men in Police Department

The ranks of labor in San Francisco have been thinned on many occasions to send men to duty with the San Francisco Police Department, Police Chief Charles Dullea said this week.

Chief Dullea made this observation after a meeting with Deputy Chief Michael Riordan which revealed that almost every branch of the Department was represented by some member from a labor organization. The details were listed when the Chief met with other Department officials to discuss the annual policemen's ball, which will be held in the Civic Auditorium, April 18.

The affair—the predecessors of which and their early history will be recalled by many of the older members in the ranks of union labor—is one of the highlights of the after-Lenten season.

All proceeds derived from the sale of tickets for the ball will be used to swell the Widows and Orphans' Aid Fund. The fund cares for the wives and children of Police Department members claimed in duty.

William H. Hansen - - - - - Manager
Dan F. McLaughlin - - - - - President
Geo. J. Amussen - - - - - Secretary

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NEW FUNERAL HOME AND CHAPEL

Building Trades' Gift to League for Service Men

Promised construction of a recreation center for soldiers and the presentation of a check for \$1000 was the two-fold contribution made here by the San Francisco Building Trades Council to the San Francisco League for Service Men.

Presentation was made by Alexander Watchman, president of the Building Trades Council, to Mrs. Alma Spreckels Awl, chairman, and Mrs. Prentis Cobb Hale, co-chairman of the League. Also present at the time, from the ranks of union labor were: John F. Shelley, president of the Labor Council; Dewey Mead, John L. Spaulding, George Kyne, James E. Ricketts, J. H. Smith, Charles J. Foehn, and W. J. Varley, the latter representing the San Francisco Electrical Contractors' Association.

Work on the recreation center, to be located at an army encampment on the outskirts of San Francisco, will begin this week, with the assistance of the Associated Home Builders. It will be a frame structure, 100x40 in size, and complete with heating and ventilating equipment, a stage, and other recreational facilities. All material and labor is being contributed, and the building will be furnished by the League for Service Men. It is expected that the recreation center will be completed within 30 days.

The cash donation to the League will be utilized to purchase comforts for soldiers, sailors and marines passing through this point of embarkation.

Municipal Carmen Present Basis for New Wage Scale

Carmen employed on the Municipal Railway of San Francisco, and represented by Division 518 of the Street, Electric Railway and Motor Coach Employees, this week asked for a \$7 daily wage. The request was submitted to Mayor Rossi by President William McRobbie of Division 518.

The motormen and conductors on the municipally-owned line are now paid \$6 per day, and agreement was reached last autumn that in the budget for the coming fiscal year, beginning July 1, they would be recommended for an increase of 60 cents per day. Their wages, under the charter, are based upon the amount paid in private industry, and President McRobbie, in behalf of the members of his organization, directed attention of the Mayor to the fact that an increase of 5 cents an hour was recently granted to employees of the East Bay Transit Company (Key System) in a decision by the War Labor Board, to which body the matter had been submitted after failure by the company and the organized workers employed on its lines to reach an agreement. The East Bay lines are privately owned, and the increase awarded by the Labor Board brought their wages to 87½ cents per hour. It is this figure which Division 518 now asks to have made the standard for the Municipal Railway in San Francisco.

RED CROSS SYMBOL

President Roosevelt has asked Congress to forbid the use of the name or symbol of the Red Cross by private individuals or business concerns.

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With LAYING and CEMENTING OVER FELT included, on purchases of 10 sq. yds. or more. All genuine, standard quality. Latest designs.

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PARKER S. MADDUX, President

Law Permits Voting by Californians in The Service

From Headquarters of the California State Federation of Labor

Can soldiers vote?

So widespread and urgent has been the concern over this important question that the California State Federation of Labor took immediate steps to ascertain the voting status of the thousands of Californians who have entered the nation's armed forces.

The answer is "Yes." Every one will be permitted to vote throughout the period of his service in any or all of the elections held within the boundaries of his home state in which he would be entitled to vote if he were still actually residing at home. In other words, he can vote in elections held in his home city or county, as well as in the general state-wide elections.

Provisions of Law

This is not only clearly stated in the Selective Training and Service Act, but the California Elections Code further provides that no one who is absent from his place of residence due to being in the service of the United States loses that residence for the purpose of voting. The California Elections Code likewise sets forth the steps that must be taken by the absentee voter.

To assist the service men who will want to cast their ballots, as well as those who can be relied upon to pass on this information, here is what must be done:

If You Are Registered

1. If you voted at either the primary election (August) or the general election (November) in 1940, you are a fully registered voter and need only apply to the county clerk of your home county (or to your city clerk if it is a municipal election) for an absentee ballot.

This must be done, in writing, not more than 20 nor less than 5 days before the election, and your application must (1) show the place of your residence (your home), (2) make clear your right to a ballot (state that you voted in one or both of the 1940 state elections and give the reason for your absence from home), and (3) be signed by yourself. If all the above are in order, he will mail you your ballot.

On any day before the date of the election go to the clerk or any other officer of the district, city, county or federal district within the United States in which you may be stationed when you receive your ballot, or to any notary public, mark your ballot in his presence and seal it. The officer will make the required certification, place it in the return envelope and return it to you to mail to the city or county clerk who sent it to you.

Procedure for Registration

2. If, however, you did not vote at either the primary or general election in 1940, you will have to write to the county clerk of your home county and ask him to send you duplicate copies of a blank affidavit of registration. You must fill this out, specifying the Assembly district and precinct in which your home is, and stating why you will be unavoidably absent during the registration period.

Make this affidavit before the judge or clerk of any court of record, or any notary public, and send both copies by registered mail to the clerk of your

home county. All that remains then for you to do is to obtain your absentee ballot, following the procedure outlined above.

Residence Qualifications

When you make the affidavit of registration you must swear to certain facts in order to prove your qualifications: age, citizenship, etc., but especially the voting residence you claim as your own. The law requires you to be at least one year in the state, at least ninety days in your home county, and at least forty days prior to the election at which you desire to vote in your home precinct before you are considered to have established a legal voting residence.

In order to prevent any confusion on this important point, we want to emphasize what we said earlier: you do not lose your voting residence when your absence from it is due to your being in the service of the United States.

Important Rules to Remember

In addition, California law is very clear on this question. Here are the important rules for determining your voting residence: (1) Your residence is the place of your fixed habitation, to which, whenever you are absent, you intend to return. (2) The place where your family resides is your residence, except when it is purely temporary or transient. (3) The residence of the husband is the residence of the wife, except when such is purely temporary or transient. (4) The term of your residence is computed by including the day on which it commenced, and by excluding the day on which the election falls.

Vital to Labor This Year

That this information will be of tremendous general importance to the men in our armed forces is obvious, but its importance in labor's fight to defeat Slave Bill 877 in November is incalculable.

We knew when we launched our campaign last year to give the people of California the opportunity to decide whether this Nazi measure should be enacted or rejected that the defeat of the bill depended upon the mobilization of the entire voting strength of labor and the friends of labor. If this country were still at peace, the arduousness of that task would have been very great. The war has naturally increased the difficulty of attaining our goal many fold, but victory at the polls would be dubious indeed if we could not count on the votes of the thousands of men who have left labor's ranks during the past year to take their places in the various services.

Let no one deceive himself that the job ahead of us is an easy one. The information given here on how to become registered and to cast an absentee vote must reach every Californian in our armed forces who will vote "No" in November on Slave Bill 877.

We've got Axis to grind. Buy Defense Bonds and Stamps.

Green and Murray from Same Platform Give Pledge

For the first time since the division in the ranks of labor the presidents of the American Federation of Labor and the Congress of Industrial Organizations appeared together on a platform, the occasion being a joint rally, held in Pittsburgh last Tuesday night, in support of forwarding the war program, and sponsored by the two organizations.

Both officials, William Green and Phillip Murray, renewed the pledge of peace on behalf of their respective organizations, promised that labor would stay on the job until the war is won, and spoke emphatically against those who are attacking organized labor in the present crisis of the nation.

Paul V. McNutt, federal security administrator, and the Government's representative at the gathering, was another speaker. He deplored "libels against labor" and declared that labor "by voluntarily waiving the right to strike, has assured the nation of uninterrupted production of war materials as far as labor is concerned." McNutt further stated that attacks on labor "are part of a campaign to arouse antagonism based on confusion and misunderstanding. It is the kind of attack against patriotic citizens that so often proved successful in weakening other countries to the advantage of the Axis powers."

Millinery Workers to Dance

Members of Millinery Workers' Union No. 40 have extended a general invitation to all their friends to participate in the annual "Good-and-Welfare Ball" to be given by the organization on Saturday evening of next week, April 18.

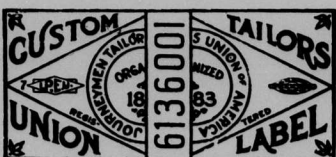
Scottish Rite Auditorium is the place, Joe Mendel's orchestra will provide the music, and refreshments will be served. The dancing will begin at 9 o'clock, continuing until 1 a. m. Tickets are 50 cents, tax included.

6 CENTS FOR 10 HOURS' WORK

From underground sources, the International Transport Workers' Federation has learned that the German Arbeitsdienst (compulsory labor service) is hard pressed for workers. Its offices in the Baltic States are busily recruiting—by force or persuasion—volunteers for work behind the eastern front lines. The pay of these "volunteers" is 27 pfennig daily, 6 American cents. The average working day is 10 hours.

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Run o' the Hook

By FRED E. HOLDERBY

President of Typographical Union No. 21

This Sunday, April 12, the California Conference of Typographical Unions will meet in Fresno. All meetings of the Conference will be held at Hotel Fresno, Broadway and Merced streets. The board of directors will meet on Saturday evening preceding the regular session. Last Sunday being Easter, the time of the quarterly gathering was changed from the first Sunday in the month. It is understood that Fresno Typographical Union has been making elaborate preparations to entertain the Conference, and all delegates and visitors will be entertained at a banquet at noon on Sunday. San Francisco Union will be represented by only three delegates at this gathering, as J. W. Chaudet, one of No. 21's delegates, has drawn his card and left this jurisdiction. The next meeting of the union will take place on April 19, at which time an election for the fourth delegate to which we are entitled will be held. This is an ideal time of the year to visit the Valley, and those from here making the trip to Fresno may expect to be royally entertained.

First Vice-President A. G. Neilson received word on Monday that his father, P. W. Neilson, had passed away on the previous evening at 7:45. Until 1940 deceased had resided in the Bay area, but for the past year and a half he had resided with his daughter, Mrs. Veda Williams, in Portland, Ore. Funeral services were conducted in Portland and the remains were shipped to Bellingham, Wash., for interment beside his wife, who preceded him in death some twenty years.

Another to be called to the colors is R. R. Roberts *Call-Bulletin* makeup. "Bob" has been commissioned a first lieutenant in the Field Artillery, and left on March 30 for training quarters.

Far-reaching with respect to Typographical Union laws governing members entering the service may be the ruling last week by Attorney General Earl Warren that California State Guardsmen on active duty are not in the United States military service. The opinion was in response to an inquiry by Adjutant General Donovan, head of the State Guard.

T. E. Clarkson, operator on the *Call-Bulletin*, and wife are in the Northwest, where they will spend a two weeks' vacation.

J. F. ("Joe") Castro, who has for some months been employed on defense work at the Moore shipyards in Oakland, is now official instructor in chipping and caulking for this firm.

Alanson Folger, *Call-Bulletin* operator, left last week for Texas, where he will spend his vacation.

Congratulations of members of the *Examiner* chapel were last week extended to W. C. Trownsell, who on April 1 celebrated his seventy-fourth birth anniversary.

The case of Margaret G. Bonsor vs. the Allied Printing Trades Council, which has been in the courts for many months, has finally been dismissed. A judgment was last week handed down in favor of the Council, and plaintiff was denied further rights of presenting the case. This suit was brought against

the Council, its trustees, George Spooner and H. I. Christie, and all constituent unions, which included the Typographical Union, following the Council's action in lifting the label from the Derbon Press. The unions were represented by Attorneys Henry Heidelberg and S. A. Ladar.

Fred Baker, *Examiner* makeup, this week retired from a situation he has held on that paper for fifty years. Fred came to San Francisco from Tacoma in 1892, obtained work at the *Examiner* and remained there continuously since that time. He is 70 years of age.

While lifting a heavy form, J. G. Van Schoiack of the Marcus Brower chapel wrenched his back so severely that he has been absent from his work a week at this writing. His doctor has advised him not to leave his bed until he is fully recovered.

Frances Kurose, operator at Filmer Brothers, was off a few days the early part of the week because of sickness.

Ray Dickson, *Examiner* operator, returned last Saturday from Glenwood Springs, Colo., where he had gone to be in attendance at the funeral of his father.

Roy J. Donovan of the *Examiner* chapel has been confined to his home since Thursday of last week with an attack of influenza.

Members approaching their sixty-fifth year, unless they expect their earnings to remain the same or to increase after they are 65, should file claim for Social Security immediately after reaching the age of 65, thereby freezing earnings. No benefits will be paid while he continues to work, but a member need not wait until he retires to file his claim. He may earn less after reaching 65, but if he files his claim based on his earnings at that age he will draw the amount scheduled at time of filing, and payments will start after he retires.

News Chapel Notes—By L. L. Heagney

Some criticism notwithstanding, civilian defense is doing a chore. Witness another class of auxiliary police that graduated Wednesday, among whom was Sid Tiers. Considerable work has to be done before a man gets his star, he says; in fact two hours a night, five nights a week, for five weeks.

A student who prophesied the war would be over in two months got a big laugh on giving the grounds for his belief. The proof he submitted was that a relative had joined the armed forces, and "the boy never held any job longer than that." It's these light-hearted touches, explained Ed Haefer, that make more pleasant the grim business of learning to be an air warden.

It was a new one, quite fitting in these times of diminishing paid matter, that was sprung on the ad alley gang when a boy came in April 1 and asked to borrow an advertisement stretcher. Can't prove it, but we suspect the *Chronicle* outfit sent him. Otherwise, of April 1 jokes, old or new, there were none—first time in years such an event has not been observed.

"Let's hope there will be fewer 'smarty pants' around here," hoped H. Barker, who corrals ads and puts a border fence around 'em by electric light, "when the cuffs are chopped off."

"For ducks Easter Sunday couldn't have been more enjoyable," C. W. Abbott pointed out, "but it sure was tough on new bonnets and sunrise climbs to the summit of Mt. Davidson, because there wasn't any sunrise, nor egg hunts in the park. The fellow who exclaimed that everybody complained about the weather but nobody did anything about it said a mouthful."

Golf News—By Fred N. Leach

That well-known enemy of the golfer, old Jupiter Pluvius and his side-kick, Boreas, put a stop to most golf activities over the week-end. However, on Saturday, a few hardier souls "tried to try" the new holes at Sharp Park. This correspondent wasn't one of them, but did see the drenching two of our members took, and whose names won't be mentioned, because we agree with those two nameless ones that verily

"you don't have to be crazy to play golf, but it sure helps!"

Sunday's rain didn't stop those two indomitable, P. Crebassa and B. Apte, who played in the mixed two-ball foursome tournament at Sharp. Percy seemed to be going great guns—or at least his partner was when we saw them, but B. A. seemed to be off his stick, if that 14 on the third is anything to judge by. Neither one of our only representatives in this tournament came in the winning column, however—worse luck!

Those swell people, Emil and Anne Baffico, are now the happy parents of a son, born, incidentally, on March 27, the same day Mr. and Mrs. Frank Forst's daughter arrived. Congratulations to all. It won't be long now before we hear of all those cute sayings, etc.

We suppose by now that all will have analyzed their opponents' play from memory, for the first round of the match play tournament, which is scheduled for April 26 at La Rinconada. While you're gloating over your easy set-ups—stop and shed a tear for the writer, who drew that toughie assignment, Frank Forst. That should make anyone who thinks he has something to beat, feel good. But we will be there trying anyway—just like the rest of you guys.

Who knows what a wayzgoose is? Webster does. Anyway we have one coming up on April 26 at La Rinconada, down Los Gatos way. It will be beautiful down there then—fruit trees in bloom, soft gentle zephyrs caressing the cheek, and perfect golf on a fine, sporty course. Of course you'll come—but mark the date now on your calendar, so that you'll let nothing interfere. It will be the first round of the annual match play tournament, plus the usual medal at handicap play for the usual valuable awards, plus a general good time.

Woman's Auxiliary, No. 21—By Laura D. Moore

The label committee is working on plans for the party they are giving at the home of Mr. and Mrs. James O'Rourke, 1563 Forty-fifth avenue, on the evening of April 20.

Mr. and Mrs. A. W. Swenson drove to Sacramento, Sunday, with their nephew and his wife of Oakland, and spent a happy Easter with Mr. and Mrs. W. B. Swenson and daughter. Mr. Swenson also had the pleasure of visiting with A. J. Tagley, 81-year-old retired printer, who is making his home with his daughter in Sacramento. Mr. Tagley worked on the same paper in Grand Forks, N. D., for 59 years, being secretary of the union in that town for 50 years. There, 50 years ago, Mr. Swenson worked with him. So Sunday was a big day for both men.

Mrs. Georgia Holderby, who has been very ill with sinus trouble, is reported better at this writing, although she is still confined to her home.

Mr. and Mrs. M. E. Donelin had Easter dinner and supper in Millbrae with their daughter and son-in-law, Mr. and Mrs. William C. Welding, and infant son. Mr. Welding has been in bed with pneumonia for 10 days, but planned to return to work at the Customs House in San Francisco this week.

Mr. and Mrs. Russell L. Boone were scheduled to leave by auto for Palm Springs last Wednesday, stopping over night with friends at Los Angeles. Mr. Boone is taking his vacation at this time, and the expectation is that Mr. and Mrs. Boone will be back in San Francisco April 27.

Mr. and Mrs. Alfred M. Conley moved two weeks ago into their new home at 878 Easton avenue, San Bruno. Mrs. Conley comes in by train to be in San Francisco from 8:30 to 4:30, and Mr. Conley boards the bus to be in San Francisco from 7 to 3 o'clock. Five-thirty is now the rising hour at the Conley menage. We understand that hour is agreeable to the family dog and the canary, at least.

Mr. and Mrs. Harvey Viele spent three days of their two weeks' vacation in Oakland, and are now spending the remainder of the vacation quietly at home.

Around fifty guests were present when Mr. and Mrs. George Madsen celebrated their second wedding anniversary on Palm Sunday at their home on Twenty-first street. Mrs. Madsen's son, Michael Flynn, and Mrs. Flynn, and Mr. and Mrs. C. W. Abbott were among those present.

Too little; too late; too bad! There still is time to buy U. S. Defense Bonds and Stamps.

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Indorsement Meeting

(Immediately Following Union Meeting)

Union Hall, Labor Temple

SUNDAY, APRIL 19, 1942

All Members of the I.T.U. Are Urged to Attend...
Matters of General Interest Will Be Discussed

San Francisco Progressive Club

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Mailer Notes

By LEROY C. SMITH

The *Progressive Mailer News*, edited, as formerly, by William Brink, has been re-established by the Progressive party members of New York Mailers' Union. It is a four-page publication, to be published monthly. The March issue contains snappy comment on the manner in which the New York union is "governed" by the foremen group of that union, which the *News* seeks to reform. Brink writes that the New York union will retain their membership in the I.T.U.

As provided in a proposition adopted by the I.T.U. Vancouver convention, the members of M.T.D.U. unions will vote on the question of a mailers' international union on April 15. Certain politicians of the M.T.D.U. unions introduced a proposition at that convention proposing withdrawal from the I.T.U. Doubtless sensing it was a "hot potato," the convention "passed the buck" on the question by offering a substitute proposition requesting M.T.D.U. members to vote on the question, which was adopted, in order to learn the "sentiment" of members on the question. As if the most superficial-thinking delegate to the convention did not know, or should have known, the "sentiment" of members on the issue of that fantastic proposition of a mailers' international union. In the vote on the question a few years ago by mailer unions, it carried by a slim majority. But in the following vote on the subject by printer and mailer members, the proposition lost by a good majority.

In the decision delivered by Judge Baltzell of the federal court in Indianapolis in the ancillary bill case instituted against the I.T.U. and I.T.U. mailer unions by M.T.D.U. officers, that mailer membership in the I.T.U. was contingent on mailer membership in the M.T.D.U., the judge threw the case out of court by declaring it was optional whether mailers retained membership in either the M.T.D.U. or a mailers' international union; that the I.T.U. held jurisdiction over mailers and all work pertaining to mailing. M.T.D.U. officers then obtained a "loan" of \$3500 from their unions and appealed the case to the Circuit Court of Appeals in Chicago. Judge Wilkerson sustained the decision of Judge Baltzell in the case. Without sending it to a referendum, the executive council of the M.T.D.U. levied an assessment of 50 cents per member for one year, and from which fund they paid their "loan" of \$3500 to their unions. Judging from their past "arduous" labors in behalf of their working members a mailers' international would likely afford certain mailer politicians of the M.T.D.U. with some "tapioca" political jobs, in which the blue sky would be the limit as regards salaries, "services and expenses to, at, and in," allegedly in behalf of the complacent, apathetic members of their unions.

Ballots for the April 15 election were not received by unions until after the March meetings, and members of I.T.U. unions will not vote on the pending question, but doubtless will strongly oppose any efforts of certain mailer politicians to have the I.T.U. relinquish jurisdiction over mailing to self-seeking politicians of the M.T.D.U.

The Los Angeles Typographical Union, without debate, voted to file the Indianapolis proposition, seeking to amend the laws to have a commission select an editor for the *Typographical Journal*.

GAS MASKS FOR LOS ANGELES

According to a news dispatch last Tuesday, Capt. Robert E. Grieg of the Chemical Warfare Service revealed that 1,000,000 gas masks, capable of safeguarding against fifteen kinds of gases the Japanese use, have been stored for Los Angeles civilian use.

Need Civilian Defense Volunteers

Announcement from the local Civilian Defense Council, in relation to the need for additional volunteers in the service, reads as follows, in part:

"We now have approximately 80,000 citizens in San Francisco who have signed as volunteers in Civilian Defense work. This may seem to be enough, but it is not. Daily the air raid warden service, auxiliary fire service, or auxiliary police ranks are faced with the necessity of replacements. Many have gone into the armed services, and many more will be lost to the army and navy. Others are forced out by working hours in defense industry, or for physical reasons. Others, of course, are just not willing to give up the time and effort necessary. Accordingly we have set a goal of 125,000 as the number we must have as enrolled volunteers, in order to assure this city of replacements for all services, and a full and complete working organization."

Navy Relief Drive Plans

Numerous affairs are scheduled to forward the Navy Relief Society's drive to raise \$85,000 locally to forward the worthy cause to which the Society is devoted. The campaign has the indorsement of the San Francisco Labor Council.

The "kickoff" in entertainments will be the Shore Leave party in the Hotel Fairmont the afternoon and night of April 30. Other events programmed are a polo and field day in Golden Gate Park, a tennis tournament starring Helen Wills Roark at the Berkeley and California tennis clubs, May 9 and 10; all-Navy boxing matches in the Civic Auditorium, May 11; a benefit concert by Lily Pons, and an all-star stage show with Walter Winchell as master of ceremonies.

Our boys at the front need a steady flow of supplies. You can assure this by systematic purchase of U. S. Defense Bonds and Stamps.

Important Ruling by Court On Admissible Evidence

With Justices Carter and Houser dissenting, the Supreme Court of California last week ruled that law enforcement officers may use illegally obtained evidence in criminal prosecutions. The majority view was voiced in a decision upholding conviction of two bunco men who attempted to induce a tavern owner to invest in a trick money-making machine which they said would double money through the operation of a chemical process. Bulk of the evidence against the defendants in the case was said to have been obtained through unlawful search of a room and seizure of the "machine" by police.

Admission of the evidence, the court held, violated no constitutional right of the defendants, and that their recourse lay in proceeding criminally against the police officers, or in a suit for damages.

Illegally-obtained evidence has long been excluded from criminal trials in federal courts. In the dissenting opinion of Justices Carter and Houser in the above-mentioned case they found in the majority decision a threat of "the tyranny of totalitarianism."

JOBS AT MARE ISLAND YARD

The Mare Island navy yard, according to Ralph G. Wadsworth, Employment Service director for California, wants blacksmiths, boatbuilders, boilermakers, coppersmiths, electricians, machinists, pipefitters, molders, riggers, sheetmetal workers, shipfitters, shipwrights, patternmakers and electric welders, as well as general helpers in these classes. Rather than travel to Vallejo, persons with skills in these classifications are advised to register at the nearest office of the Employment Service, where complete details on the available jobs may be had.

Guzzle behind the wheel today; gulp before the judge tomorrow.

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"We Don't Patronize" List

The concerns listed below are on the "We Don't Patronize" list of the San Francisco Labor Council. Members of labor unions and sympathizers are requested to note this list carefully from week to week:

Adam Hat Stores, Inc., 119 Kearny.
American Distributing Company.
Austin Studio, 833 Market.
Avenue Hotel, 419 Golden Gate.
Beauty Shops at 133 Geary (except Isabelle Salon de Beaute).
Becker Distributing Company.
Bruener, John, Company.
B & G Sandwich Shops.
California Watch Case Company.
Chan Quong, photo engraver, 680 Clay.
Curtis Publishing Co. (Philadelphia), publishers of *Saturday Evening Post*, *Ladies' Home Journal*, *Country Gentleman*.
Desenfant, A., & Co., manufacturing jewelers, 150 Post.
Dial Radio Shop, 1955 Post.
Doran Hotels (include St. Regis, 85 Fourth St.; Mint, 141 Fifth St.; Hale, 939 Mission St.; Land, 936 Mission St.; Hillsdale, 51 Sixth St.; Grand Central, 1412 Market St., and the Ford Apartments, 957 Mission St.).
Drake Cleaners and Dvrs.
Forderer Cornice Works, 269 Potrero.
Gantner & Mattern, 1453 Mission.
Gates Rubber Company, 2700 Sixteenth Street.
General Distillers, Ltd., 136 Front St.
Golden State Bakers, 1840 Polk.
Goldstone Bros., manufacturers of overalls and workmen's clothing.
Howard Automobile Company.
Lucerne Apartments, 766 Sutter.
M. R. C. Roller Bearing Company, 550 Polk.
National Beauty Salon, 207 Powell.
Navalet Seed Company, 423 Market.
O'Keefe-Merritt Stove Co. Products, Los Angeles.

Pacific Label Company, 1150 Folsom.
Purity Springs Water Company, 2050 Kearny.
Remington-Rand, Inc., 509 Market.
Romaine Photo Studio, 220 Jones.
Royal Typewriter Company, 153 Kearny.
Sealey Mattress Company, 6699 San Pablo Avenue, Oakland.
Sherwin-Williams Paint Company.
Sloane, W. & J.
Smith, L. C., Typewriter Company, 545 Market.
Speed-E Menu Service, 693 Mission.
Standard Oil Company.
Stanford University Hospital, Clay and Webster.
Sutro Baths and Skating Rink.
Swift & Co.
Time and Life (magazines), products of the unfair Donnelley firm (Chicago).
Underwood Typewriter Company, 531 Market.
Wooldridge Tractor Equipment Company, Sunnyvale, California.

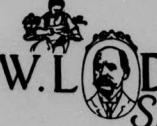
All non-union independent taxicabs.

Barber Shops that do not display the shop card of the Journeymen Barbers' Union are unfair.

Beauty Shops that do not display the shop card of the Hairdressers and Cosmetologists' Department of the Journeymen Barbers' International Union of America are unfair.

Cleaning establishments that do not display the shop card of Retail Cleaners' Union No. 93 are unfair.

Locksmith shops which do not display the union shop card of Federated Locksmiths No. 1331 are unfair.

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No Pay Raise for Postal Employees in 17 Years

By JOSEPH L. MINAKER, Secretary
San Francisco Post Office Clerks' Union No. 2

During the period of depression, economy was the Government's paramount issue and postal workers were slapped with a pay-cut amounting to approximately 28 per cent of their salaries. At that time private industry was cutting wages and the cost of living was down; but now the reverse is true.

The United States Department of Labor, Bureau of Statistics, shows an increase in wholesale prices of food of 25 per cent over a year ago, up to January 3, 1942, and prices are still going up. Our present salary standards do not conform with the amount set by social scientists as the minimum requirement for a good standard of living.

Postal workers have a fixed salary, and generally were obligated for the full amount of this salary before the present increase in cost of living and prior to assuming the patriotic obligation to buy War Savings Bonds and Stamps.

If a pay cut in 1933 was justified, and a restoration of full pay in 1935, why not a salary raise now? Therefore, we appeal to you, our brothers in the labor movement, and the people, our employers, to help us gain this justly deserved raise (our first since 1925) by writing to Senators Johnson and Downey and the California congressman representing your district, petitioning their support of H. R. 6486, the "Post Office Salary Reclassification Bill."

CHIEF'S SCION IN MARINES

Stanley Winnemucca, great-great-grandson of Chief Winnemucca, one of the greatest of Piute Indian warriors, has joined the U. S. Marines. Almost a century ago the chief won the battle of Pyramid Lake in Nevada.

EARN WHILE YOU LEARN

Six months' specialized training with pay is offered to both men and women who can qualify as trainee-repairman of Signal Corps equipment. Applicants must have had 6 months' experience in some branch of technical radio or related electronic work; or, completed at least 2 years of an electrical, telephone or radio repairman course in a vocational school; or, had certain other education pertaining to that field. Persons appointed will receive \$120 per month while receiving the specialized training. Those interested and desiring complete information as to the necessary qualifications should get in touch with the Twelfth U. S. Civil Service District office, Room 119, Federal building, San Francisco.

Tin Can Collection Next Sunday

One empty tin can today can be a bullet tomorrow. There will be no delay in converting the tin cans collected in the San Francisco drive, next Sunday, April 12, into war materials. Within one week after the cans are delivered to the South San Francisco refining plant the reclaimed steel and tin will be enroute to war industrial plants, it is pointed out. To collect the cans, more than 500 scavengers using between 125 and 150 trucks will cover the entire city Sunday.

It is estimated that San Francisco's 500 tons of tin cans will produce 12,000 pounds of tin per month and approximately 500 tons of steel. The steel reclaimed from the cans will build 500 "jeep" cars per month or, if used for precipitation purposes at copper mines and smelters, will reclaim approximately 1,000,000 pounds of copper per month. That is why San Franciscans are being called upon to save tin cans and it is one "drive" in which few families are unable to participate.

Buy U. S. Savings Bonds and Stamps! Buy Now!

Federation of Teachers No. 61

By GRACE YOUNG, Secretary

Local 61 will meet next Monday, April 13, at 4 o'clock in the home of Miss R. L. Melner, 1100 Fulton street (Apt. 12).

We received this week a copy of the pamphlet issued by Palo Alto Teachers' Union No. 442, containing "A Program of Action for American Schools During the War," in which is pointed out certain tasks and services which may be undertaken in the schools of the nation in helping to win the war against the Axis powers and making clear our own aims. It is pointed out the schools can further these aims by teaching American history as a continuous struggle for democracy; teaching the principles of our way of life as formulated in the Bill of Rights and the Atlantic Charter; developing democratic structure and procedure in the schools; stressing the interdependence of the cause of the Allied Nations; stressing the necessity for clear thinking, which invokes an analysis of propaganda techniques and ability to recognize half truths as well as to recognize our own mistakes; emphasizing the dignity and worth of each individual; teaching an understanding and respect for America's racial groups; participating in the war effort, each doing what he can in morale building, and providing inspirational leadership.

It is further stated that schools can help build the physical strength of the American people by continuing to emphasize the health education program and services of the school, and offering to the respective communities instruction in health and diet and use of school recreation facilities.

Toward filling the demand for special skills in the present emergency, the secondary schools may supplement present agencies by expanding the guidance program of the schools; offer instruction which will prepare young men to enter the branches of military service in which they can best serve; and expand the total vocational program in order to give basic training that will aid students to enter defense industries.

To aid in winning the "Battle of Production" the schools can help young people and adults to understand necessity of the program; help them conduct salvage drives; offer instruction in practical ways of conserving materials and energy; in rural areas, undertake gardening and like projects to supplement food supplies; and conduct campaigns to raise money for purchase of Defense Bonds and Stamps. All of the above is only a general summary of the suggestions made in the four-page pamphlet issued by the Palo Alto union.

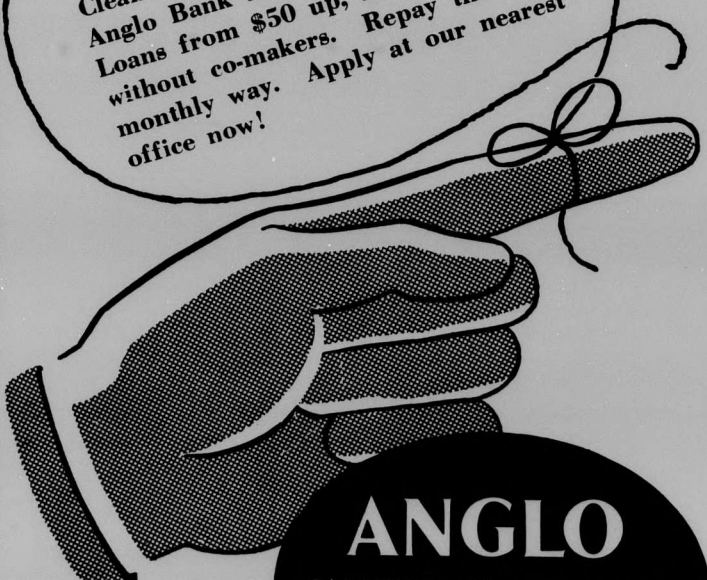
Labor Views on Manpower Direction

Members of President Roosevelt's War Labor Board comprising A.F.L. and C.I.O. representatives reported on Friday of last week after a conference with the chief executive that they had not changed their recommendation that the projected mobilization of war-industry manpower be directed by the Labor Department.

Asked about reports that the conferees had tentatively accepted Paul V. McNutt, federal security administrator, as the man to head the manpower mobilization, A.F.L. President William Green announced the former stand had been affirmed. He added that the union heads had not considered what individual should have the supervisory job because "the matter is still under consideration by the President."

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Dissenting Opinion by Justice Carter in Picketing Case

(Continued from Last Week)

[Following is the concluding portion of the dissenting opinion rendered by Justice Jesse W. Carter of the California Supreme Court in the Bell picketing case, and which began in our last week's issue. The word "Citations" is here substituted in place of the particular case cited in the opinion, and where italicized words are used within quotations it is to be understood the emphasis was that used by Justice Carter and not appearing as such in the original quotation. Justice Carter's opinion continues:]

The chief contention of the prosecuting officers in the case at bar is that the ordinance here in question may be upheld as a valid exercise of police power. While the realm within which the police power operates may be somewhat indefinite, it may not be invoked to abridge the fundamental right of freedom of expression guaranteed by constitutional mandate. The Constitution is the bulwark of our civil liberty and it should be so construed as to protect that liberty against encroachment even under the guise of the police power. While some of its provisions have at times been emasculated by enthusiastic advocates of the police power doctrine, the Constitution still remains the fundamental law of the land and will continue to be such so long as the ideal of civil liberty is predominate in the hearts and minds of the American people.

In my opinion, the ordinance here in question trenches upon the right of free expression guaranteed by both our state and federal Constitutions, and should therefore be stricken down. If "picketing" means "the dissemination of information concerning the facts of a labor dispute," then the right to picket, as well as the right to preach, lecture, teach, or publish a newspaper, all fall in the same category. If the Constitution protects one of these rights, it protects the others. If a crime is committed by a person while exercising one or more of these rights, he may be prosecuted, convicted and punished for the crime, not for the exercise of the right to picket, preach, lecture, teach, or publish a newspaper. In my opinion, any legislative enactment designed to abridge or limit any of the above-mentioned rights flies squarely in the face of the constitutional guarantee of freedom of speech and press, and should be declared null and void by the courts under their constitutional power.

From what I have said in the foregoing opinion, it is obvious that section 3 as well as section 2 of the ordinance here under consideration is void, and there can be no doubt but that habeas corpus is the only remedy available to petitioners to test the validity of said ordinance. [Citation.]

In view of my determination that the ordinance is invalid and void because the language employed therein is too vague, uncertain and indefinite to provide a sufficiently ascertainable standard of guilt and that the acts denounced by it cannot be proscribed because they are not within the purview of the police power of the state, the complaint therefore fails to charge a public offense, and it is unnecessary to review the evidence presented during the trial in the justice's court.

The majority opinions in this case are predicated upon the theory that since section 3 of the ordinance in question purports to prohibit "picketing by means of acts of violence" (whatever this phrase means), it defines a crime within the purview of the police power of the county of Yuba, and notwithstanding the defendants were found guilty of violating all of the provisions of both sections 2 and 3 of the ordi-

nance (a portion of the charge being based on obviously invalid provisions of the ordinance), the judgment against them is nevertheless immune from attack on habeas corpus.

I am of the opinion, that even if it can be said that section 3 of the ordinance sufficiently defines a crime as held by a majority of the court, the conviction of the defendants should not be allowed to stand for the reason that the complaint which forms the basis of the prosecution is wholly insufficient to charge a public offense, and the judgment against petitioners is void for the reason that they were found guilty of the commission of lawful as well as unlawful acts.

Section 3 of the ordinance in question makes unlawful, "picketing by means of compulsion, coercion, intimidation, threats, acts of violence, or fear." All of these means, except "acts of violence," may be resorted to by those who are peacefully and therefore lawfully engaged in publicizing a labor dispute by means of picketing or boycotting.

That there is such a thing as moral compulsion, coercion, intimidation, threats, and fear is a proposition recognized in experience and by many court decisions, and in my opinion, these words do not necessarily imply conduct of an unlawful character when applied to a labor dispute. Such words may be used to define the usual, ordinary and customary moral, social and economic pressure which inheres in every labor dispute and particularly where picketing is resorted to.

It must be conceded that it is within the constitutional right of a person engaged in a labor dispute to advise those who contemplate crossing a picket line, that if they do so, future social or business relations with them will be withheld. It must also be conceded that such advice constitutes a threat, and it also amounts to compulsion, intimidation and coercion. Such compulsion, intimidation and coercion is the result of fear of the withholding of such social or business relations which may have been both pleasant and profitable to the person who is threatened with the loss thereof. Obviously, conduct constituting such threats, compulsion, intimidation, coercion or fear cannot be proscribed by penal statute or ordinance for the reason that the same would constitute a violation of the constitutional guarantee of free speech.

[Justice Carter here quoted from Webster's New International Dictionary, Second Edition, giving definitions of "compulsion" and "intimidation." He then continued:]

It will be observed from the foregoing definitions that the mere assertion that compulsion, coercion or intimidation has been used or resorted to for the accomplishment of an object or purpose or in the performance of an act, it does not necessarily follow therefrom that the means employed was unlawful, immoral or unjust. In fact, it is inconceivable that a labor dispute could result in a strike, and that striking employees and their sympathizers could picket and boycott places of business, without the

owners, employees or patrons of such places of business being subjected to some degree of moral, social or economic compulsion, coercion or intimidation. * * *

What is said with reference to the meaning of the words "compulsion," "coercion" and "intimidation" when applied to peaceful picketing and boycotting, is equally true with reference to the word "threat." It cannot be denied that a person has the right to threaten that which he has a lawful right to do, and that such threat cannot be proscribed by statute or ordinance, or prohibited by injunction. [Citation.] * * *

In the case of *Lisse v. Local Union No. 31*, this court quoted with approval from its decision in the case of *Pierce v. Stablemen's Union*, as follows:

"The right of united labor to strike, in furtherance of trade interests (no contractual obligation standing in the way) is fully recognized. The reason for the strike may be based upon the refusal to comply with the employees' demand for the betterment of wages, conditions, hours of labor, in the discharge of one employee, or the engagement of another—in brief, in any one or more of the multifarious considerations which in good faith may be believed to tend toward the advancement of the employees. After striking, the employees may engage in a boycott, as that word is here employed. As here employed it means not only the right to the concerted withdrawal of social and business intercourse, but the right by all legitimate means—of fair publication, and fair oral or written persuasion, to induce others interested in or sympathetic with their cause, to withdraw their social intercourse and business patronage from the employer. They may go even further than this, and request of another that he withdraw his patronage from the employer, and may use the moral intimidation and coercion of threatening a like boycott against him if he refuse so to do. This last proposition necessarily involves the bringing into a labor dispute between A and B, C, who has no difference with either. It contemplates that C, upon the request of B, and under the moral intimidation lest B boycott him, may thus be constrained to withdraw his patronage from A, with whom he has no controversy." * * *

Of course, it is elementary that a person engaged in picketing is amenable to all of our penal statutes denouncing as crimes all acts of force, violence, menacing threats, riots, routs, disturbing of the peace, unlawful assembly, assault and battery, etc., and my attention has not been called to any acts which one engaged in picketing might perpetrate in violation of the civil rights of another, or inimical

(Continued on Next Page)

HENRY B. LISTER

LAWYER

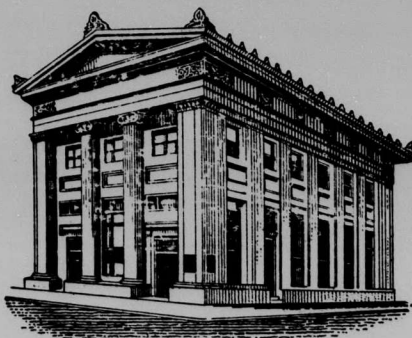
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Justice Carter's Dissent In Bell Picketing Case

(Continued from Preceding Page)

to public peace and safety, which are not now denounced as crimes by the penal statutes of this state and punishable as such.

The complaint against petitioners follows the language of the ordinance and the petitioners were charged as follows:

"That on or about the 9th day of July, 1939, and within the limits of the County of Yuba, in the State of California, said defendants did then and there wilfully and unlawfully beset and/or picket the premises and/or the approach thereto of another, to-wit, the Earl Fruit Company located approximately seven miles southwest of the City of Marysville, in the County of Yuba, State of California, and commonly known as the New England Ranch where persons were employed and/or sought employment, for the purpose of inducing said employees and/or persons seeking employment by means of compulsion, and/or coercion and/or intimidation and/or threats and/or acts of violence and/or to quit his or her employment and/or to refrain from seeking or freely entering into said employment."

It appears to be well settled that where a statute is so framed that lawful as well as unlawful acts may be punished under it, a complaint charging a violation of the law must specifically set out the alleged unlawful conduct of the accused, and negative lawful conduct on his part. Otherwise, a complaint under such a law fails to charge a public offense, which is the situation we have in the case at bar. [Citations.]

*** As I have heretofore pointed out, the ordinance is clearly invalid in so far as it purports to denounce as a public offense picketing by means of compulsion, coercion, or intimidation as such words are defined in the authorities relating to picketing cases. Such being the case, the complaint against petitioners charges them with the doing of lawful as well as unlawful acts, and is therefore insufficient to charge a public offense and is insufficient to support a judgment of conviction against petitioners for a violation of section 3 of said ordinance.

Furthermore, the complaint in the case at bar charges both in the conjunctive and disjunctive the violation of every act denounced by section 3 of the ordinance. This method of pleading is clearly improper. It is impossible to determine from such a complaint what specific acts or conduct of the defendants the prosecution intends to prove for the purpose of establishing their guilt. Under the complaint in this case, the defendants could have been found guilty of a violation of section 3 of said ordinance if they did nothing more than stand on the side of the road peacefully holding a piece of cardboard in their hands containing a statement that a labor dispute was in progress on the adjacent premises. Such a complaint is clearly insufficient to charge a public offense, and may be tested on habeas corpus. [Citation.]

The trial court made no attempt to segregate the charges in the complaint charging an alleged unlawful offense from those charging the commission of purely lawful acts. This is demonstrated not only by the allegations of the petition, but also by those of the return. Both allege that the jury found the defendants guilty "as charged in the complaint," and that the sentence imposed was imposed "on said conviction." I think it is clear that such a complaint could not authorize the trial court to try the accused for acts which are lawful, nor could it confer juris-

diction on the trial court to convict the accused for the doing of lawful acts, and to sentence them for the doing of such lawful acts. That is exactly what was done in the instant case. The defendants were found guilty "as charged in the complaint" and sentence was imposed "on said conviction." That means that the jury found that the defendants were guilty of all the "offenses" charged in the complaint, including those predicated upon those portions of the statute which are admittedly unconstitutional. It also means that the sentence was partially predicated on the unconstitutional portions of the statute. It certainly needs no citation of authority to establish the proposition that a trial court has no jurisdiction to enter a judgment convicting an accused of acts which are lawful. Petitioners have exhausted the only other remedy available to them, namely, an appeal. On that appeal the constitutionality of the statute was in issue, and the court to which the appeal was taken had jurisdiction to reverse the judgment of conviction and retry the case upon issues raised by a plea of not guilty of the unlawful act charged. Since this is so, habeas corpus is now the only remedy available to petitioners. ***

A.F.L. Indorses U.S.O. Drive

The American Federation of Labor, through President William Green, has given indorsement to the United Service Organization (U.S.O.) forthcoming War Fund campaign for \$32,000,000. In a letter forwarded to J. Henry Lang, Pacific Coast special representative of the U.S.O., Green stated, in part: "An opportunity now presents itself to the members to do a good turn for the boys in uniform. The U.S.O. is showing us the way."

Bonds buy bombs, Stamps buy bullets! Buy U. S. Defense Bonds or Stamps every pay day!

Report on Cigarette Profit Study

An Office of Price Administration report, based on a cost and profits study which embraced the accounts of eight companies producing approximately 95 per cent of all cigarettes made in the United States in 1941, reveals among other things that:

1. Average net income (before income taxes) of five of the leading manufacturers—American Tobacco Co., including its subsidiary American Cigarette & Cigar Co.; Liggett & Meyers Tobacco Co.; P. Lorillard Co.; Philip Morris & Co., Ltd., Inc., and R. J. Reynolds Tobacco Co.—rose from 17 per cent of the average book value of their invested capital in the pre-war years 1936-1939 to over 21 per cent in 1941.

2. Current cigarette sales are running 20 per cent above the corresponding levels of 1941 and indications are that, because of the increase in national income and enlargement of the armed forces, this rate of increase likely will continue.

3. Manufacturers' 1941 profit margins average 55 to 60 cents per thousand on standard price cigarettes.

4. While the current cost of producing and selling standard price cigarettes is from 10 to 16 cents per thousand above the average cost last year, more than half of these higher costs will be offset by the considerably greater volume of sales. In this connection, the report says, "It thus appears from the figures of the manufacturers investigated, which constitute about 95 per cent of the industry, that, in spite of the recent cost increases, the cigarette industry will continue to make very substantial profits."

Data presented to a House committee recently showed there are approximately 91,000 Japanese aliens in the United States, including Hawaii. The table gave the number of the aliens by States and by sex. It included: California, 24,162 male, 14,009 female; Oregon, 1104 male, 663 female; Washington, 3563 male, 2376 female; Alaska, 100 male, 20 female, and Hawaii, 21,478 male, 16,671 female.

THEY CAN
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